

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
FEB 19 2010  
P.M.  
TIME P.M.  
TIME A.M.

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WILLIAM DAVIDSON,

Petitioner,

-against-

NEW YORK STATE; NEW YORK CITY;  
NEW YORK STATE DIVISION OF  
PAROLE,<sup>1</sup>

Respondents.

-----X  
MAUSKOPF, United States District Judge.

*Pro se* petitioner, William Davidson, brings this petition for a writ of *habeas corpus* pursuant to 28 U.S.C. § 2254, challenging his parole term. Although unclear from his petition, petitioner appears to argue that his term of parole was improperly imposed, and should have, but did not, run concurrently with his state sentence. Petition at ¶ 5. Petitioner is presently incarcerated at Downstate Correctional Facility, in Fishkill, New York (Dutchess County), as a result of his conviction in the Supreme Court of New York, New York County. Because the relevant court of conviction and the petitioner's current place of incarceration are both located within the jurisdictional confines of the United States District Court for the Southern District of New York, rather than here, this case is hereby transferred pursuant to Local Rule 83.3 of this Court.

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<sup>1</sup> The proper respondent in a *habeas corpus* action is petitioner's present custodian.

*Chm*

The Clerk of Court is directed to transfer this case to the United States District Court for the Southern District of New York. A ruling on plaintiff's application to proceed *in forma pauperis* is reserved for the transferee Court. That provision of Rule 83.1 of the Local Rules of the Eastern District of New York which requires a five day delay is waived.

Dated: Brooklyn, New York  
February 17, 2010

SO ORDERED.

  
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ROSEANNE M. MCMAHON  
United States District Judge